

GENERAL ORDINANCE NO. 68, 1970

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 70-A0-1

PLANNED UNIT DEVELOPMENT - SPECIAL DISTRICT

ORDINANCE

OF

INDIANAPOLIS

MARION COUNTY, INDIANA

THE DEPARTMENT OF METROPOLITAN DEVELOPMENT

1970

Officially adopted
April 27, 1970.

AN ORDINANCE to amend County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

PLANNED UNIT DEVELOPMENT - SPECIAL DISTRICT

ORDINANCE

OF

INDIANAPOLIS

MARION COUNTY, INDIANA

WHEREAS, Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, established a single planning and zoning authority in counties having first-class cities and grants certain powers relative to the zoning and districting of land to the Metropolitan Development Commission and City-County Council of such counties having first-class cities, in order to unify the planning and zoning functions thereof;

WHEREAS, the Metropolitan Development Commission of Marion County, Indiana, has adopted and certified, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, various segments of its ORIGINAL COMPREHENSIVE OR MASTER PLAN OF MARION COUNTY, INDIANA;

WHEREAS, said Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, empowers the Metropolitan Development Commission of Marion County, Indiana, after such comprehensive plan certification, to recommend to the City-County Council an ordinance or ordinances for the zoning or districting of all lands within the County to the end that adequate light, air, convenience of access and safety from fire, flood and other danger may be secured; that congestion in the public streets may be lessened or avoided; that property values may be preserved; that the public health, safety, comfort, morals, convenience and general welfare may be promoted;

WHEREAS, the U. S. Department of Housing and Urban Development is conducting OPERATION BREAKTHROUGH to utilize innovative techniques of production, marketing and management in order to provide housing, in volume, for all income levels through cooperative efforts by private enterprise, labor and consumers, and by local, State and Federal governments,

WHEREAS, as an essential phase of BREAKTHROUGH, the Department of Housing and Urban Development has designated as a regional prototype site a BREAKTHROUGH project area in Indianapolis, Marion County, Indiana, for the construction of an approved housing system in accordance with the plans and objectives of said BREAKTHROUGH program;

NOW, THEREFORE, BE IT ORDAINED by the City-County Council of the consolidated City of Indianapolis and of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957, adopted by the Marion County Council on March 28, 1957, and subsequently amended pursuant to Section 85 of Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended, Chapter 1 of Title 11 of the Municipal Code of the City of Indianapolis, Indiana, adopted as a part thereof, and all applicable building and housing codes and regulations of the City of Indianapolis, adopted as a part of said Municipal Code, be amended by the addition of the following provisions:

CHAPTER 1

SECTION 1.00 ESTABLISHMENT OF PLANNED UNIT DEVELOPMENT - SPECIAL DISTRICT ONE -- PERMITTED USES

- A. The following primary PLANNED UNIT DEVELOPMENT - SPECIAL DISTRICT ONE for Indianapolis, Marion County, Indiana, is hereby established, and land within said consolidated City and County is hereby classified, divided, zoned and designated as said District as described on the PLANNED UNIT DEVELOPMENT - SPECIAL DISTRICT MAP, which MAP is attached hereto, incorporated herein by reference and made a part of this ordinance. No use shall be permitted in said DISTRICT other than the following:

PLANNED UNIT DEVELOPMENT - SPECIAL DISTRICT ONE (DP-S 1) PERMITTED USES

Any land use consistent with the plans and objectives of the U. S. Department of Housing and Urban Developments BREAKTHROUGH program, as prescribed or approved by said Department of Housing and Urban Development shall be permitted in the PLANNED DEVELOPMENT - SPECIAL DISTRICT (DP-S 1).

ALL uses permitted within the DP-S 1 DISTRICT shall be subject to the Metropolitan Development Commission's approval, as included within a required site and development plan filed with and approved by said Commission as hereinafter provided.

Said site and development plan shall include layout and elevation plans for all proposed buildings and structures, and shall indicate:

- (1) Proposed DP-S 1 uses.
- (2) Any existing uses, buildings and structures.
- (3) Proposed buildings and structures.
- (4) Off-street parking layouts.
- (5) Vehicular entrances and exits and turn-off lanes.
- (6) Setbacks.
- (7) Landscaping, screens, walls, fences.
- (8) Signs; including location, size and design thereof.
- (9) Sewage disposal facilities.
- (10) Storm drainage facilities.
- (11) Other utilities

The Metropolitan Development Commission may consider and act upon any such proposed site and development plan, and approve the same in whole or in part, at any public meeting of the Commission. Public notice thereof shall not be required; however, the petitioner filing such plan and any other interested parties, including governmental agencies, shall have the right to appear and be heard. Such site and development plan, and uses and structures therein, shall:

- (1) be so designed as to create a superior land development plan, in conformity with the Comprehensive or Master Plan of Marion County, Indiana, and the plans and objectives of the BREAKTHROUGH program as prescribed or approved by the Department of Housing and Urban Development,
- (2) create and maintain a desirable, efficient and economical use of land with high functional and asesthetic value, attractiveness and compatibility of land uses, within the DP-S I District and with adjacent uses, in accordance with the plans and objectives of the BREAKTHROUGH program as prescribed or approved by the Department of Housing and Urban Development,
- (3) provide sufficient and adequate access, parking and loading areas, in accordance with the plans and objectives of the BREAKTHROUGH program as prescribed or approved by the Department of Housing and Urban Development,
- (4) provide traffic control and street plan integration with existing and planned public streets and interior access roads, in accordance with the plans and objectives of the BREAKTHROUGH program as prescribed or approved by the Department of Housing and Urban Development,
- (5) provide adequately for sanitation, drainage and public utilities, in accordance with the plans and objectives of the BREAKTHROUGH program as prescribed and approved by the Department of Housing and Urban Development.
- (6) allocate adequate sites for all uses proposed--the design, character, grade, location, and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, consistent with the Comprehensive or Master Plan of Marion County, Indiana, and the plans and objectives of the BREAKTHROUGH program as prescribed and approved by the Department of Housing and Urban Development.

Said BREAKTHROUGH project program, plans and objectives, as prescribed and certified by the Department of Housing and Urban Development are hereby incorporated by reference and made a part of this Ordinance.

- B. No building or structure shall be erected in the DP-S I District without an improvement location and building permit and said permit shall not be issued until the site and development plan, including the proposed DP-S I use or uses and plans for such building or structure, shall have been approved by the Metropolitan Development Commission in accordance with Section 1.00 A. Applications for improvement location and building permits shall be made upon Metropolitan Development Department forms and shall include all information specified by such forms.

All buildings and structures to be erected within the DP-S I District shall comply with the BREAKTHROUGH project building and housing codes, regulations and specifications, as prescribed and certified by the Department of Housing and Urban Development for said BREAKTHROUGH program, and said codes, regulations and specifications, as so prescribed and certified by the Department of Housing and Urban Development, regardless of whether more or less restrictive, shall control and take precedence over the general codes, regulations and specifications of the municipal code of the City of Indianapolis or other applicable local governmental regulations.

Said BREAKTHROUGH project, building and housing codes, regulations and specifications, as prescribed and certified by the Department of Housing and Urban Development are hereby incorporated by reference and made a part of this Ordinance.

CHAPTER 11

SECTION 2.00 DP-S I DISTRICT REGULATIONS

The following regulations shall apply to all land within the DP-S I DISTRICT.

A. After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established nonconforming uses may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the structures or facilities affected.

B. DP-S I DISTRICT DEVELOPMENT STANDARDS

All development within the DP-S I DISTRICT shall be in accordance with the site and development plan, as approved by the Metropolitan Development Commission in accordance with section 1.00.

C. DP-S I DISTRICT PERFORMANCE STANDARDS

All uses established or placed into operation after the effective date of this ordinance shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

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| 1. VIBRATION | No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments. |
| 2. SMOKE, DUST & PARTICULATE MATTER | Smoke, particulate matter, and any other air-borne material shall be subject to the standards and regulations of General Ordinance No. 109, 1967, Air Pollution, City of Indianapolis, as amended, which ordinance is on file in the office of the Metropolitan Development Department of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof. |

a part hereof.

3. DUST
No use shall cause dust, dirt or fly-ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
4. NOXIOUS
MATTER
No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
5. ODOR
No use shall emit across the lot lines odor in such quantities as to readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
6. SOUND
No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
7. HEAT AND
GLARE
No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
8. WASTE
MATTER
No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

CHAPTER 111

SECTION 3.00 SEVERABILITY

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

NOW BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect from and after this date.

Dated April 27, 1970

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION COUNTY, INDIANA

Attest: Marjorie H. O'Laughlin
Clerk

Thomas C. Hasbrook
President (or Presiding Officer)

This is a detailed plat map of a portion of Indianapolis, Indiana. The map shows a proposed DP-S I District, which is a large rectangular area shaded with diagonal lines and labeled "DP-S I DISTRICT (120) ACRES". To the west of this district is the State Mental Hospital, also shaded with diagonal lines. To the east of the district is the Speedway Motor Speedway, a large oval-shaped area. The map includes numerous streets, including North Blvd, Messler Blvd, and various residential streets. The map also shows the Indianapolis Motor Speedway and the Indianapolis Motor Raceway. The map is labeled "MAP # 1" at the bottom center.

MAP # 1